

Now, I found it so interesting, as I was doing some work with our counties and focusing on this issue, we found out that as high as 36 percent of fentanyl cases—think about this number when you think about across our country—36 percent of the fentanyl cases are linked to social media. This is where kids have met a drug dealer. Maybe it was Snapchat or Facebook Messenger or Instagram or TikTok, 36 percent.

These stats have made a few things very clear: The fentanyl crisis is real; it is killing Americans; it is killing Tennesseans; and it is our duty, as sworn representatives, to do something about this.

Here in the Senate, we have already begun this work, and I want to encourage my colleagues who have not signed on to a few bills to get on board and let's give this crisis the attention that it deserves.

Now, TIM SCOTT had a bill—I joined him last June when he introduced this—the FEND Off Fentanyl Act, and recently the Senate passed that as part of our Defense Authorization Act. This bill takes a very important step because it would declare the international fentanyl trafficking cartels and the trafficking of fentanyl a national emergency.

And it also would direct the Treasury Department to target, sanction, and block the financial assets of these transnational criminal organizations, like those in China and Mexico, that are pushing this product forward.

I also joined Senator RUBIO in introducing the Felony Murder for Deadly Fentanyl Distribution Act, which would add the distribution of fentanyl resulting in death to the list of crimes that are eligible to be charged as felony murder.

But given the significant role that illegal immigration has played in the fentanyl epidemic, it is clear that we also need to go right to the source. The Fentanyl Public Health Emergency and Overdose Prevention Act, a good bill that is just plain common sense, gives the Department of Homeland Security authority similar to that under title 42 to expedite the removal of illegal immigrants in response to the public health emergency that fentanyl poses to our country. If you are going to carry this, distribute it, push it, then you are not going to come in this country.

Now, all of these are pieces of legislation that make a difference. What we see happening in counties in Tennessee is that local law enforcement, local elected officials, local school superintendents, and directors of schools are coming together and saying: We have got to get to work on this issue. They are all steps.

What we have to do is have this administration, the Biden administration, stop burying their head in the sand on this issue. They can no longer ignore the influx of drugs coming into this country over that open southern border.

We have to make certain that the border is secured and the resources are there to address the fentanyl crisis.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CASSIDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### STUDENT LOANS

Mr. CASSIDY. Mr. President, today I introduced the Congressional Review Act, a resolution of disapproval to overturn the Biden administration's newest student loan scheme: income-driven repayment. Just like President Biden's student loan cancellation scheme that was overturned by the Supreme Court, this policy does not forgive debt, it transfers the burden of almost \$560 billion in Federal student loans from those who willingly took out the loans for college to make more money when they graduated to Americans who never attended college or who have already fulfilled their commitment to pay off their loans.

Under this rule, a majority of bachelor's degree student loan borrowers will not be expected to even pay back the principal. We have moved beyond forgiving the interest, and we are now not even asking them to pay back the principal.

Additionally, 91 percent of new student loan debt would be eligible for reduced payments subsidized by taxpayers. These policies are as unfair as they are irresponsible. Where is the forgiveness for the guy who didn't go to college but is working to pay off the loan on the truck that he takes to work?

What about the woman who paid off her student loans but now struggles to pay her utilities or her mortgage? Is the administration providing her relief? Of course not. Instead, the administration would have them not only pay their bills but the bills of those who decided to go to college in order to get a degree to make more money.

The resolution prevents average Americans, 80 percent of whom have no student loans, from being stuck with a policy that the administration is pushing not to be fair to all but rather to favor a few. The Supreme Court has already established the President does not have the authority to cancel hundreds of billions in student loans without direct consent from Congress. It is clear President Biden is trying to deflect the political fallout of the false promises that he never had the legal authority to make.

President Biden's plan did nothing to address the problems that created the debt in the first place. It doesn't hold colleges or universities accountable for rising costs. According to the College Board, in the last 30 years, tuitions and

fees have jumped in private nonprofit colleges by 80 percent. At public 4-year institutions, they jumped 124 percent. The Biden administration has refused to propose any solution that actually addresses the underlying problems that created the debt crisis in the first place.

We cannot spend our way out of the problem of the ever-increasing costs of higher education. We need real solutions. That is why my colleagues and I introduced the Lowering Education Costs and Debt Act, a package of five bills aimed at directly addressing the issues driving skyrocketing costs of higher education and the increasing amounts of debt students take on to attend school.

Our legislation puts downward pressure on tuition, empowering students to make the educational decisions that put them on track to academically and financially succeed. It also simplifies the student loan borrowing and repayment process so students don't take out more loans than they need and can navigate the student loan process without confusion. Unlike President Biden's student loan schemes, these are commonsense solutions that actually address root causes of the student loan crisis. In fact, some of the bills included in the package already have strong bipartisan support.

President Biden's student loan scheme is not a fix; it is merely a band-aid forcing taxpayers to shoulder the responsibility of paying off someone else's debt. We need strong leadership.

President Biden's failure to address rising tuition costs won't hurt the rich; only the middle- and lower-income Americans who will continue to be punished, forced to take out more and more loans just to get an education.

I will close by urging all my colleagues to support my Congressional Review Act resolution to prevent President Biden's reckless student loan scheme and to work together on real solutions to tackle the rising cost and debt of students. If we don't act, students will continue to drown in debt without a path for success.

(Mr. MARKEY assumed the Chair.)

#### NOMINATION OF JULIE A. SU

Mr. President, today marks 175 days since Julie Su's nomination for Secretary of Labor was officially transmitted to the Senate. This is the longest a Cabinet-level nominee has waited for a floor vote when the same party controls the White House and the Senate.

Under the Federal Vacancies Reform Act, an individual can only perform the role of a Cabinet-level position without Senate confirmation for 210 days. The law was created to prevent the President from appointing unelected bureaucrats to roles that require the advice and consent of the Senate.

Now, the White House has acknowledged that Ms. Su is unable to reach the 51 votes needed for confirmation. Instead of allowing the Senate to do its constitutional duty and reject the

nomination, the Biden administration is attempting to circumvent Congress and the Constitution to invoke the Department of Labor Succession Act, which they claim allows them to have Ms. Su serve as Acting Secretary of Labor indefinitely, even though lacking the votes for confirmation.

This is unacceptable. Not only is this use of the Department of Labor's succession statute a violation of the advice and consent provision of the Constitution—which should offend both Democrats and Republicans as the Executive attempts to usurp the role of the legislature—but it will open up any action taken under her leadership to legal challenges. In fact, major business groups have indicated they are prepared to bring legal action against the Department of Labor if a rule on independent contractors is finalized while Ms. Su remains Acting Secretary. That is why I am introducing legislation that will prevent Ms. Su from serving as Acting Secretary of Labor beyond 210 days. This bill aligns the Department of Labor succession clause with the Vacancies Act to prevent further abuses of the Constitution, ensuring the Senate's role in providing advice and consent is preserved.

It is not surprising that Ms. Su's nomination has received such widespread bipartisan opposition. A qualified Secretary of Labor needs to be able to do three things: act impartially, effectively manage a large organization, and successfully handle labor negotiations. Unfortunately, we have not seen much evidence of Ms. Su's ability to do any of these three.

Ms. Su has a decades-long record of partisan activism and promoting policies that undermine workers to the benefit of politically connected labor unions.

As secretary for the California Labor and Workforce Development Agency, Ms. Su was the chief enforcer of AB 5, a controversial law dismantling the gig economy that is used by companies such as Uber, DoorDash and Lyft, removing the flexibility of individuals to work as independent contractors.

Even in California, AB 5 was unpopular. The Governor and State legislature had to pass over 100 exemptions after its implementation. In fact, the statutory exemptions are longer than the text of the bill itself; and 59 percent of Californians voted to further erode the bill, which, naturally, labor unions challenged that 59 percent in court.

As Acting and Deputy Secretary of Labor, Ms. Su would oversee the Biden administration's new regulation stripping 21 million individuals of their ability to be independent contractors and enjoy the inherent flexibility. As I said before, a law rejected in California is not a policy to spread across the Nation.

There are also serious concerns about Ms. Su's ability to manage an agency. The only large agency she has run, the California Labor and Workforce Development Agency, lost at least \$31 bil-

lion—billion with a “b”—\$31 billion to unemployment fraud under her watch. Despite repeated warnings, she chose to waive crucial verification safeguards recommended by the U.S. Department of Labor. This was confirmed by the California Office of the Inspector General.

Lastly, there are 150 labor contracts expiring this year. When labor disputes are not handled properly, there can be massive supply chain implications and economic impacts, worsening the inflation that is already too bad.

President Biden has sidelined Ms. Su in the United Auto Workers labor dispute, suggesting even he recognizes she is not up to the task. Instead, he has tasked Gene Sperling, an advisor who the President feels is better equipped to handle such an important issue.

We shouldn't have a Labor Secretary that the President ends up outsourcing the job to others.

The President should not be allowed to bypass the will of Congress. It is unacceptable and yet another example of weak leadership from this administration.

As a Republican, I don't expect to agree with the political positions of a Biden nominee, but I will remind my colleagues that former Labor Secretary Marty Walsh received strong bipartisan support for his unquestionable experience running organizations and handling negotiations. He worked to develop trust with both labor unions and the business community.

However, Ms. Su does not appear to be in that mold. And for this reason, she has been unable to receive the votes necessary for confirmation, even when the President's party is in the majority. I urge President Biden to withdraw Ms. Su's nomination and put forward a nominee who is committed to the fair enforcement of our Nation's labor laws.

#### PRESCRIPTION DRUGS

Mr. President, last week, President Biden announced the first 10 medications that would be subject to Medicare price negotiations. I chuckle when I say “negotiations.” As I say later, it reminds me of something out of “The Godfather.”

These negotiations were established in the so-called Inflation Reduction Act. To be clear, the negotiations are a sham. A negotiation in which a company, if they don't accept the government's offer, has to pay a 95-percent excise tax on profits is not a genuine negotiation. To quote “The Godfather,” it is “an offer they can't refuse.” It is the price equivalent of waking up with a dead horsehead in your bed.

As ranking member of the Senate Health, Education, Labor, and Pensions Committee, I have serious concerns about the impact this policy can have on our Nation's effort to develop innovative lifesaving treatments that Americans need.

The Presiding Officer is from Massachusetts. I was in Massachusetts vis-

iting with small biotech firms, and they said, yes, there is a biotech exemption, but there is no way for them to go from being a small biotech to being a large biotech under the IRA. When they get to this period where they are subject to the negotiations where you get 95 percent of your profit taken if you don't agree to the “negotiation,” they will not have the working capital to invest in another product. When this happens, they will be taken over by some big company, losing that innovation, losing that spark that has made Massachusetts such a hotbed for innovation by generating products which have benefited patients all over the world.

And so it begs the question: When Government wields a heavy hand, threatening to take 95 percent of profits unless you agree to their “negotiation,” what is the cost to the development of a future cure for cancer, dementia, some other neurologic disease which is currently devastating and incurable, and any other terrible condition that a patient has?

As a physician who happens to be a Senator, I regularly come across folks who wish to share with me their medical history, not as a kind of “let me tell you about myself” but a plea for help for themselves and all those they represent. And they know they represent others. And the innovation in the U.S. biotech and U.S. pharmaceutical industry is their lifeline. They know it may not help them, but they want to help someone else. And there is a community of those who have this influence. And when you say, well, my gosh, working capital—boom—will be taken away because the negotiation is a 95-percent excise tax. The negative effect of this will force some companies to cut programs and research in small molecule drugs, shift funding away from diseases with small populations, and do other things that would help those who, right now, do not have help. Because of the IRA, the investments we make in basic science will, ultimately, result in less value for patients if those discoveries don't translate into new products for that young person with a rare disease.

Research decisions should be driven by evidence and what is best for patients, not top-down price controls.

What is really unfortunate is that the dynamic, small- and medium-sized companies will bear the brunt of these misguided Democratic policies.

I will say one more thing: That small company trying to become a medium-sized company and them not being able to capitalize and be bought by Big Pharma—Big Pharma gets bigger, but the innovation of Big Pharma does not match that of the more agile small or medium. And there is something being lost here.

Instead of partisan price controls, we should prioritize bipartisan solutions that lower drug costs and preserve innovation so that Americans have access to the best possible treatments.